

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase
Katy Allen
James R. Helmer

SUBJECT: RESOLUTION TO CLARIFY
AND REAFFIRM THE EVERGREEN
AREA DEVELOPMENT POLICY

DATE: January 15, 2004

Approved

Date 1/16/04

COUNCIL DISTRICT: 8

SNI AREA: KONA, West
Evergreen, and East
Valley/680

RECOMMENDATION

It is recommended that the City Council adopt a resolution to clarify and reaffirm the *Evergreen Area Development Policy*, and direct staff to discourage all rezoning and General Plan amendments in the Evergreen area for residential uses that require additional residential unit allocations or density increases until the completion of the *Evergreen Smart Growth Strategy* scheduled for completion in June of 2005.

BACKGROUND

On December 16, 2003 (Item 12.9), the City Council directed the Departments of Planning, Building and Code Enforcement (PBCE), Public Works (PW), and Transportation (DOT) to collaboratively review the *Evergreen Area Development Policy* (EDP), and prepare a resolution, clarifying and reaffirming the EDP. This report addresses this direction.

The original *Evergreen Area Development Policy*, adopted in 1976, was based on City analyses that concluded that transportation and flood protection deficiencies signified substantial constraints to development in Evergreen, defined as land within San Jose's Urban Service Area Boundary, south of Story Road and east of U.S. Highway 101. The EDP identified specific programs and policies for correcting the service deficiencies, and established an allocation program to phase residential development based on available traffic capacity and planned traffic improvements. The Level of Service (LOS) policy for the Evergreen area required that new development not degrade the average traffic capacity of screenline intersections (gateway intersections leading into Evergreen) to less than "D." LOS "D" is when traffic backs up at a

signal, but will clear when the light turns green. In the case of flood protection, development was permitted only if the 100-year flood protection was in place for each project and downstream of each project.

Subsequent revisions to the EDP in the early 1990's preserved the basic tenets of the original Policy, while providing updated information on the affected watersheds and street system improvements required to allow development of the remaining planned dwelling units.

Evergreen Area Development Policy, as Revised 1995

The *Evergreen Area Development Policy* (EDP), as revised May 9, 1995, continues to provide the framework for the build-out of the Evergreen area. Traffic Level of Service (LOS) and hundred-year flood protection continue to be the prerequisites to project approvals.

In tandem with the 1995 Policy, a Benefit Assessment District was formed, which funded over \$9.5 million of transportation improvements in the area. These improvements allowed the construction of up to 4,759 residential units. Any property participating in the Benefit Assessment District was allocated approved vehicle trips based on the parcel's planned residential dwelling unit yield. Development proposals seeking to increase the unit yield on a participating property, and thus increase the trips, were required to mitigate the impacts of the additional units based on a traffic analysis. Any proposed residential development not included in the Benefit Assessment District was required to conduct a traffic analysis, and mitigate any project impacts. As stated in Ordinance No. 24849, effective October 1998, which established the procedures and methodology for transportation analysis in the EDP area, an impact that requires mitigation is defined as:

1. An increase in traffic which causes a level of service designation to change; or
2. Other:
 - a. Residential projects: The addition of any traffic in an intersection operating at level of service E or F.
 - b. Non-residential projects: The addition of more than a one-half percent (0.5%) increase in critical traffic movement in an intersection operating at level of service E or F.

Since 1995, over 1100 units with allocation have been constructed in the Evergreen area. An additional 57 units without allocation have been approved based on project level traffic analysis and feasible mitigation to resolve traffic issues. The projects associated with these 57 units contributed close to \$1 million in traffic mitigation, resulting in improvements including the intersections of Story and Capitol Expressway, and Story and White Road.

Evergreen Smart Growth Strategy and EDP Update

On November 4, 2003, the City Council delegated approval of the funding agreement to the City Manager for the *Evergreen Smart Growth Strategy* and related documents, and authorized a full-time planning position through June 2005 to complete the *Evergreen Smart Growth Strategy*, update the EDP, and prepare related environmental documents. This comprehensive land use and transportation planning effort is the result of past and recent planning and policy efforts completed to guide land use and development in the Evergreen area. These efforts have created momentum for creating a new vision to direct infill development in Evergreen-consistent with Smart Growth principles.

The *Silver Creek Planned Residential Community*, the *Evergreen Specific Plan*, and the *Evergreen Area Development Policy* have facilitated growth in Evergreen as projected in the *San Jose 2020 General Plan*. The majority of the planned development has been completed; however, recent planning efforts and land use proposals have identified both the need and the opportunity for additional development within the area. The West Evergreen, KONA, and East Valley/680 Strong Neighborhoods Initiative (SNI) Improvement Plans identify priority action items to enhance existing conditions and create new community facilities, parks, trails, and other investments in the area. The Knight Program in Community Building selected the Evergreen-Eastridge area for an intensive five-day planning exercise (commonly known as the "charrette"), the result of which is a report that builds upon past plans, and suggests future land use development, transportation, and community facility opportunities. In addition, two major Evergreen property owners filed General Plan amendments to allow additional housing and retail development; any new housing requires an update to the EDP to accommodate additional housing growth.

As all of these activities support and promote improvements in land use development, transportation, and community facilities, the City and key Evergreen property owners have agreed to avoid piecemeal General Plan amendments and modifications of the EDP by participating in the preparation of a larger, comprehensive land use and transportation plan for the Evergreen area. This comprehensive effort is called the *Evergreen Smart Growth Strategy*, which will include an update of the *Evergreen Area Development Policy*, and preparation of related environmental documents. The *Evergreen Smart Growth Strategy* involves the community, property owners, City staff, and consultant participation. A community task force, under the leadership of Councilmember Cortese, is guiding the effort.

ANALYSIS

In light of recent interest in new development in the *Evergreen Area Development Policy* area, as well as the current planning effort, it is important for the Council to reaffirm the City's existing Policy. As part of the *Evergreen Smart Growth Strategy* effort, a new *Evergreen Area Development Policy* will be proposed in order to facilitate the Strategy's proposed land uses. To prevent piecemeal General Plan changes and EDP modifications in the meantime, residential development proposals without unit allocations or those requesting increased density should be

discouraged from moving forward in order to allow the community, the City, and the property owners the opportunity to identify the land use changes that will reflect the community-based vision to guide future development in Evergreen. Towards that end, staff will endeavor to educate persons who submit development proposals in this area regarding the desires of the City and the general Evergreen community to complete the Evergreen Smart Growth Strategy by June of 2005. Staff understands that while the Evergreen Smart Growth Strategy is underway it shall process development proposals that are submitted prior to June, 2005 in the Evergreen Area.

COORDINATION

The preparation of this memorandum and the resolution was coordinated with the City Attorney's Office, Department of Planning, Building and Code Enforcement, Department of Public Works, and Department of Transportation.

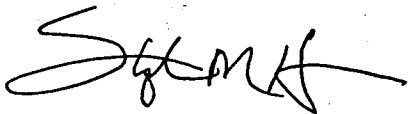
OUTREACH

The *Evergreen Smart Growth Strategy* process involves extensive participation through open community task force meetings, broad community meetings at key points in the process, and ultimately public hearings before the Planning, Commission, other relevant City Commissions, and the City Council.

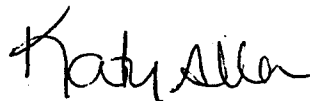
A notice of the public hearing for the subject resolution was published in the Post Record. Property owners with land use applications on file that do not have the needed traffic allocation, were contacted by phone regarding this report and resolution.

CEQA

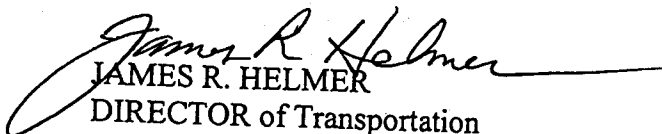
EIR Resolution No. 63179, PP04-01-013



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